



Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

**In the Matter of**

Telegraphy Examination  
Requirement in the  
Amateur Radio Service

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**Docket No. \_\_\_\_\_**

**To: The Commission**

**Petition by Eric R. Ward  
N0HHS Amateur Radio Operator**

The following is a petition for rulemaking from Eric R. Ward, an amateur extra class radio operator.

**Introduction**

This petition proposes that proficiency in telegraphy using Morse code<sup>1</sup> be eliminated from the requirements for qualification for an amateur radio license.

Morse code is intrinsically linked to the history of wireless communication. Its continued practice is useful, as a mode of communication that can work when few or no other modes can. A significant portion of the amateur radio community is dedicated to using Morse code on a regular basis, as can be anecdotally determined from listening to the amateur bands, or from consulting the wealth of Internet resources on communications using Morse code. Including Morse code proficiency as a requirement for amateur radio licenses is independent of making a value judgment about the utility or

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<sup>1</sup> See 47 C.F.R. § 97.503

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desirability of this mode of communication. Indeed, the Commission cannot and does not attempt to require amateur radio operators to communicate using Morse code, regardless of whether it requires them to pass a proficiency examination for regulatory purposes.

The Commission made changes to the structure of the amateur license system and altered the requirements for amateur licenses by a Rule and Order published in 1999<sup>2</sup>. The arguments for and against altering the number and kind of Morse code proficiency examinations were considered at that time.

Although the issue of requiring Morse code proficiency is highly polarized among radio amateurs, no clear rationale for using it as a “gate keeper” emerged from the Commission’s consideration of the more than 2,000 public comments filed at the time of the Notice of Proposed Rulemaking that led to the aforementioned Rule and Order, nor at the time of the *Codeless Technician Decision*. Rather, the Commission determined in both cases that demonstration of proficiency in telegraphy using Morse code is no more and no less than proof of proficiency in that mode of communication. Further, the Commission stated that Morse code is simply one of many modes of communication, and “the emphasis on Morse code proficiency as a licensing requirement does not comport with the basis and purpose of the [amateur] service<sup>3</sup>.”

The Commission ruled that while reducing the telegraphy examination requirement to the minimum requirement that meets the International Telecommunication Union (ITU) *Radio Regulations* article S25.5 was in the public interest, elimination of the

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<sup>2</sup> See FCC 99-412

<sup>3</sup> *Id.*

Morse code proficiency requirement was not possible because the *Radio Regulations* did not allow waiving of the telegraphy requirement for the operator of a station transmitting at or below 30 MHz.

The Commission further ruled not to revise the rules so that the telegraphy examination requirement would automatically sunset if the *Radio Regulations* were revised to eliminate the requirement. The reasons stated for not allowing this automatic sunset to occur were that i) it was unclear whether the upcoming World Radiocommunication Conference (WRC) would address the issue, and ii) potential changes to the *Radio Regulations* were uncertain because the International Amateur Radio Union (IARU) Administrative Council had stated its opposition to changing the *Radio Regulations* to reduce the minimum international qualifications for an amateur radio license.

The WRC did eliminate the telegraphy examination requirement for an amateur radio license from the *Radio Regulations*, effective July 5, 2003. Moreover, the IARU Administrative Council had previously resolved to “support the removal of Morse code testing as an ITU requirement for an amateur license to operate on frequencies below 30 MHz<sup>4</sup>.”

#### **Recommended action by the Commission**

The justification for maintaining a Morse code proficiency requirement for amateurs licensed in the United States because of a requirement in the *Radio Regulations* no longer exists.

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<sup>4</sup> IARU Administrative Council Resolution 01-1, Guatemala City, October 2001; <http://www.iaru.org/ac-respol.html>

Thus, the Commission's immediate removal of the telegraphy requirement from amateur radio licensing is appropriate and clearly in the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ERW', with a horizontal line underneath.

Eric R. Ward  
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July 28, 2003